

REMARKS

In the Office Action,¹ the Examiner rejected claims 29-44 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,963,909 to Warren et al. ("*Warren*"). Applicants respectfully traverse the rejection.

Independent claim 29, as amended, recites a method for controlling copying of data, the method comprising "generating copy permission information" and "determining whether the input data includes information for controlling copying of the data, and adding the copying permission information to the data if the input data does not include any information for controlling copying of the data." The Examiner argues that column 8, lines 13-31 of *Warren* discloses the determining step of claim 1. See Office Action, p. 3, item 7. Applicants respectfully disagree.

The cited portion of *Warren* begins by stating, "it is desirable to add the SMT data to the master audio signal prior to manufacturing a large number of media units . . . [to] avoid[] the need to insert the SMT data into each media unit 140 separately." *Warren*, col. 8, lines 13-17. Then, *Warren* continues by discussing how to insert the SMT data into the master audio signal. See *Warren*, col. 8, lines 18-30. However, *Warren* does not disclose "determining whether the input data includes information for controlling copying of the data" in cases where the SMT data was not inserted in the master audio signal prior to manufacturing.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

According to *Warren*, “in the absence of master tag information, the additional generation of control tag information may not be provided.” *Warren*, col. 2, lines 19-21. Furthermore, “[i]f neither SMT nor SCT data are present in the . . . data from the media 140, then the . . . media is not copy managed [and] . . . [i]n this case, the signals can be played back and recorded an unlimited number of times without being tagged with SCT or SMT data.” *Warren*, col. 10, lines 33-40. Therefore, *Warren* does not disclose “adding the copying permission information to the data if the input data does not include any information for controlling copying of the data,” as recited in claim 29.

For at least the reasons given above, *Warren* does not render the subject matter of claim 29 obvious. Independent claim 37 distinguishes over *Warren* for at least the same reasons as claim 29. In addition, dependent claims 30-32, 34-36, 38-40, and 42-44 are also allowable over *Warren* at least by virtue of their respective dependence from allowable independent claims 29 and 37. The rejection of claims 33 and 41 has been rendered moot by the cancellation of those claims. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 29-32, 34-40, and 42-44 under 35 U.S.C. § 102(e) as being anticipated by *Warren*.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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